

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA :
:
- v. - :
:
DONALD LAGUARDIA, :
:
Defendant. :
:
----- x

CONSENT PRELIMINARY ORDER
OF FORFEITURE/ MONEY JUDGMENT

19 Cr. 893 (LAK)

WHEREAS, on or about December 13, 2019, defendant DONALD LAGUARDIA (the "Defendant"), was charged in a three-count Indictment, 19 Cr. 893 (LAK) (the "Indictment"), with securities fraud, in violation of Title 15, United States Code, Sections 78j(b) & 78ff; Title 17, Code of Federal Regulations, Section 240.10b-5; and Title 18, United States Code, Section 2 (Count One); investment adviser fraud, in violation of Title 15, United States Code, Sections 80b-6 & 80b-17 and Title 18, United States Code, Section 2 (Count Two); and wire fraud, in violation of Title 18 United States Code, Sections 1343 and 2 (Count Three);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One, Two, and Three seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, of all property, real and personal, that constitutes, or is derived from, proceeds traceable to the commission of the offenses charged in Counts One, Two, and Three of the Indictment;

WHEREAS, on or about November 12, 2020, the Defendant was found guilty following a jury trial, of Counts One, Two, and Three of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment against him in the amount of \$2,571,500 in United States currency, representing the amount of proceeds traceable to the commission of the offenses charged in Counts One, Two, and Three of the Indictment that the Defendant personally obtained;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney AUDREY STRAUSS, United States Attorney, Assistant United States Attorney Daniel Loss, of counsel, and the Defendant and his attorney, Eric Creizman, Esq., that:

1. As a result of the offenses charged in Counts One, Two, and Three of the Indictment, a money judgment in the amount of \$2,571,500 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to those offenses that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, ATTN: Money Laundering and Transnational Criminal Enterprises Unit, One Saint Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.


4. Upon entry of this Consent Preliminary Order of Forfeiture/Money Judgment, the United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

AUDREY STRAUSS


United States Attorney

By: 
Daniel Loss
Assistant United States Attorney

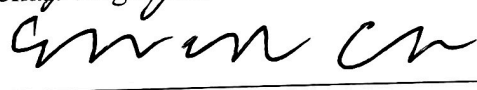
7/20/2021
DATE

DONALD LAGUARDIA

Defendant


By: 
Donald Laguardia

7/20/2021
DATE

By: 
Eric Creizman, Esq.
Attorney for the Defendant

7/20/2021
DATE

SO ORDERED:

 7/20/21
DATE
THE HONORABLE LEWIS A. KAPLAN
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK

5. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

6. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Specific Property/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

7. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney's Office, One Saint Andrew's Plaza, New York, New York 10007.

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